IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.60 OF 2004
IN
SUMMARY SUIT NO. 791 OF 2003

Smita C. Mehta, Prop. of
M/s.Esskay Enterprises,
through P. Sharma C.A. ..Plaintiff.

Vs.

M/s.Monitex Dye Prints
& Ors. ..Defendants.

Mr.Sunil Kadam, Advocate for the Plaintiff.

Ms.Rekha Chakri i/b.M/s.Haridas & Co., Advocate for the Defendants.

**CORAM: S.J.VAZIFDAR, J.**
**DATED: 18TH JANUARY, 2005**

**P.C. :**

The suit is filed to recover the amount in respect of goods sold and delivered. The goods were sold as per the invoices annexed to the plaint. The invoices provide for interest at 24% per annum. The Defendants issued cheques towards payment of the suit dues. The Defendants however by their letter dated 8.3.2002 requested the Plaintiff not to deposit the cheques. The Defendants in fact admitted the liability.

2. No affidavit in reply has been filed. There is no defence to the suit.

3. In the circumstances, the suit is decreed in the sum of Rs.1,45,599/- together with interest on the sum of Rs.1,15,246/- at 12% per annum from the date of the suit till payment and/or realisation and costs.

Refund of Court fees as per rules.

For the purpose of refund, all parties including the Prothonotary and Senior Master to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer.